

Notice of Allowability

Application No.

10/023,733

Examiner

Kandasamy Thangavelu

Applicant(s)

AALTONEN ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 25, 2005.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 25 March 2005.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>15 July 2002</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Introduction

1. This communication is in response to the Applicants' communication dated July 25, 2005. Claim 18 was amended. Claims 1-35 of the application are pending.

Information Disclosure Statement

2. Acknowledgment is made of the information disclosure statements filed on July 15, 2002 together with a list patents and papers. The patents and papers have been considered.

Drawings

3. This application has been filed with informal drawings. In order to avoid abandonment of this application, formal drawings are required in reply to the Office action.

Examiner's Amendment

4. Authorization for this examiner's amendment was given in a telephone conversation by Mr. Donald Stout on September 13, 2005.

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

5. In the abstract:

Lines 4 to 6, "The invention is particular suitable to the delivery of so-called thin terminal implementations by manufacturers to which users subsequently adds their desired software."

has been changed to

-- The invention is particularly suitable to the delivery of so-called thin terminal implementations by manufacturers to which users subsequently add their desired software.--

6. In the claims:

Replace claim 6 with:

6. A method of delivering software to a terminal, comprising receiving a request for software from said terminal, sourcing said software, performing an emulation of said terminal and validating said software using said emulation prior to delivering said software to said terminal.

Replace claim 12 with:

12. A system for delivering software to a terminal comprising:

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a controller having a connection to an access network through which a terminal issues a request for delivery of software;

at least one software provider from whom said software is sourced by said controller;
and

terminal emulation means operable in accordance with a configuration of said terminal to validate said software prior to delivery to said terminal.

Claim 17, Lines 3 to 5, "said controller being further operable to determine a configuration of said terminal and in response to said determination to source an appropriate software element to said terminal for delivery to said terminal"

has been changed to

-- said controller being further operable to determine a configuration of said terminal, in response to said determination to source an appropriate software element to said terminal for delivery to said terminal and to emulate the terminal and validate the software prior to delivery to the terminal--.

Reasons for Allowance

7. Claims 1-35 of the application are allowed over prior art of record.
8. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

The closest prior art of record shows:

(1) a computer network based digital information library system employing for secure transfer of digital library programs to a client computer system and a mobile playback device; the library is coupled to the client computer system via a distribution network architecture such as internet; the communication device may use a wireless means of data transfer between the playback device and the client computer system; the server receives digital information content from a variety of sources; the server receives requests for access to the digital information from the client computer over the network; upon receiving a request, the server authenticates the request; the client computer system may independently download selected digital information files; player configuration data for the player is stored in the server and used to download files to the client computer system; a software module is used to emulate the operation of the mobile playback device and play the digital files on the client computer system; the mobile unit receives and stores digital programs and files for playing back the programs and files to the mobile user (Mott et al., U.S. Patent 6,170,060);

(2) a method and system for automating retrieval and installation of software components allowing a user to download software from internet servers; when a user wishes to update the configuration of his terminal with the latest software, a software updating tool receives a script from the software service provider; the script file contains a list of software and upgrades located at various servers on the internet and detailed instructions for automating retrieval of the software; the software updating tool analyzes the configuration information of the terminal to determine what software is stored in the system; then it compares the list of user's software with the software upgrades contained in the script file; the it advises the user on the availability of the

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upgrades; the user has the option to upgrade the software or download new software; the software updating tool sends necessary information to the software provider's server, receives the software component and installs it (**Kenner et al.**, U.S. patent 6,314,565); and

(3) a client/sever software system for collecting, summarizing and storing individual content information and allowing the user of the software to provide a directed response; a method for presenting electronic content individualized for a specific user from several content providers that allows the user to initiate directed instructions to a content provider responsive to the content; the user's application communicates over internet with one or more server applications of content providers; the client application sends user information to a validation server which ensures that the user account is valid to receive service from the server; electronic bill information is communicated from the server to the customer's client software (**Gross**, U.S. Patent 6,721,716).

Additional state of the art reviewed and considered by the Examiner is found in U.S. Patent 6,195,432; U.S. Patent 6,314,565.

None of these references taken either alone or in combination with the prior art of record discloses a software delivery apparatus comprising a controller connectable to a terminal and responsive to a request therefrom for software, specifically including:

"a terminal emulator operable in accordance with a configuration of said terminal to validate said software prior to delivery to said terminal".

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None of these references taken either alone or in combination with the prior art of record discloses a method of delivering software to a terminal, specifically including:

“performing an emulation of said terminal and validating said software using said emulation prior to delivering said software to said terminal”.

None of these references taken either alone or in combination with the prior art of record discloses a system for delivering software to a terminal, specifically including:

“terminal emulation means operable in accordance with a configuration of said terminal to validate said software prior to delivery to said terminal”.

None of these references taken either alone or in combination with the prior art of record discloses an application service provider comprising a controller, specifically including:

“to emulate the terminal and validate said software element prior to delivery to said terminal”.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.”

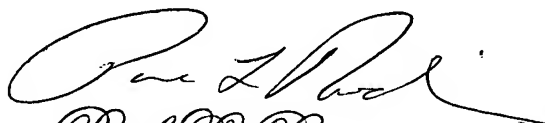
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kandasamy Thangavelu whose telephone number is 571-272-3717. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC 2100 Group receptionist: 571-272-2100.

K. Thangavelu
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September 13, 2005


Paul L. Rodriguez 9/14/05
Primary Examiner
Art Unit 2125